

LOWER PASSAIC RIVER FFS/PROPOSED PLAN

EPA OSWER PRESENTATION
MARCH 18, 2014

PARTIES REPRESENTED TODAY

V&E



51

59

1967

1983

6

1986

PARTIES REPRESENTED TODAY

V&E



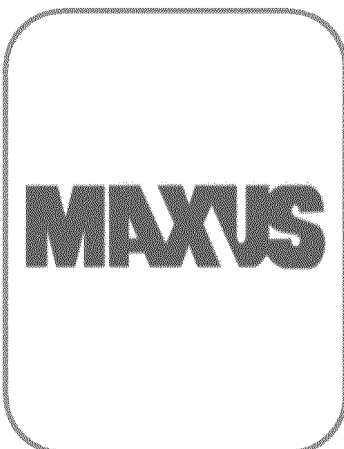
OCCIDENTAL CHEMICAL CORPORATION



MAXUS: ENERGY COMPANY HAS BEEN RESPONDING TO PASSAIC RIVER CERCLA ISSUES ON OCCIDENTAL'S BEHALF SINCE 1986

TIERRA: ENVIRONMENTAL MGT. FIRM MANAGES MAXUS' LEGACY LIABILITIES

MAXUS & TIERRA: AFFILIATE COMPANIES



TO DATE, MAXUS HAS SPENT APPROXIMATELY

\$300MM ON BEHALF OF OCCIDENTAL
RESPONDING TO DIAMOND ALKALI SUPERFUND SITE

1

**FFS REMEDY IS INCONSISTENT WITH THE
NATIONAL CONTINGENCY PLAN**

2

**FFS PROCESS TO SELECT REMEDY RAISES
CERCLA POLICY CONCERNS**

3

FFS REMEDY SELECTION PROCESS IS FLAWED

4

SITE WAS NOT PROPERLY DESIGNATED

FFS PROCESS INCONSISTENT WITH NCP V&E

ORIGINS

NOT
APPLICABLE
TO MEGA
SITES

INCOMPLETE
R/FS

T WITH NCP TO SELECT FFS REMEDY WHEN
SE TO COMPLETION

A REMEDY DESPITE MANY USANES REQUIRED PROGRESS INALCSITE-

ON AND REDISTRIBUTION OF R ANALYSIS ATURE OF GUIDANCE NOT L

ON FFS NOT INTENDED FOR MEGA SEDIMENT TOESOMITATE STREA

COMPLEXITY OPPROSSAIC FDERAL FACILITIES

LIDATE MOST EFFECTIVE REMEDIAL OPTION

G SOURCES AND RECONTAMINATION

FFS PROCESS RAISES SUBSTANTIAL POLICY CONCERNS

V&E

**PRESUMPTIVE
REMEDY TOOL**

**INCONSISTENT
WITH EPA
GUIDANCE**

BY INCONSISTENT WITH EPA GUIDANCE
T MAY FORECLOSE SELECTION OF
REMEDIES BASED ON R/F INTENDED AS A REMOVAL
D CONSIDER MONITORED TOOL TO EXPEDITE PRESUMPTIVE
AT SEDIMENT SITES IN COMBINATION
ETED REMEDIES AND INSTRUMENTATION AS
TO ASSESS BOTH RISK REDUCTION

FFS PROCESS LEADS TO FLAWED REMEDY SELECTION

V&E

**INADEQUATE
REMEDY
EVALUATION**

CONSIDERATION OF MONITORED
RECOVERY ABILITY TO MEET RISK-BASED
REMEDIES, INCLUDING MONITORED
RECOVERY, AND FOCUSED DREDGING
3, NOT FULLY EVALUATED

**REMEDY
SHOULD
EMPLOY CAD**

EPA SHOULD SELECT THE LEAST COSTLY, LEAST
DISRUPTIVE ALTERNATIVE:

- FACILITATE PLACEMENT OF DREDGED MATERIALS IN A
CONFINED AQUATIC DISPOSAL ("CAD") FACILITY

•

V&E

QUESTIONABLE PUBLIC POLICY

•

UNLAWFUL

Site listing

DIAMOND ALKALI SITE (as defined by EPA Region 2)

GEOGRAPHIC:

- 1) Lower Passaic Restoration Project Study Area – **110+ Sq. Miles**
- 2) Newark Bay Study Area – **10+ Sq. Miles**
- 3) Former Diamond Alkali Facility – **10 Acres**

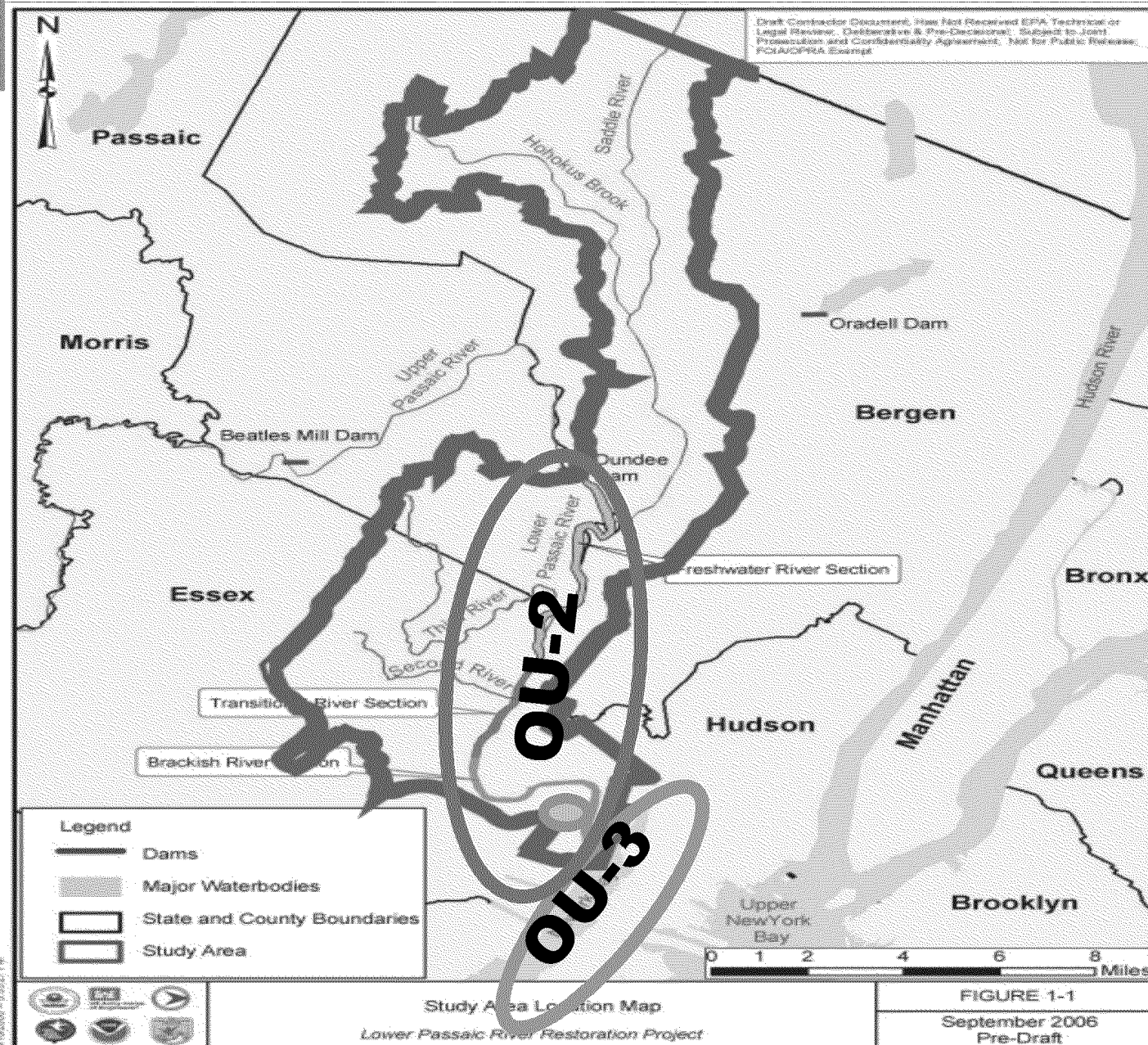
OPERABLE UNITS:

OU-1
Diamond Facility

OU-2
Lower Passaic

OU-3
Newark Bay Study

OU-4
Extended Passaic



- ❑ WITHHOLD ISSUANCE OF THE FFS/PROPOSED PLAN UNTIL RI/FS COMPLETED
- ❑ ALTERNATIVELY, IF FFS/PROPOSED PLAN DOES ISSUE:
 - CAD SHOULD BE UTILIZED, NOT OFFSITE DISPOSAL
 - WITHHOLD ROD ISSUANCE UNTIL RI/FS COMPLETED